

## Immigration backlog is nearly 80,000 cases for NYC, LI

Experts say the crowded dockets are caused by multiple factors, including migration patterns and aggressive enforcement policies.



More than 30 people, led by immigrant and civil rights groups, protest against Suffolk County police and sheriff departments cooperating with President Donald Trump's deportation push outside the Suffolk police Third Precinct headquarters in Bay Shore on July 28, 2017. Photo Credit: Newsday / Victor Ramos

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Nearly 80,000 people in New York City and on Long Island have unresolved cases in federal immigration court, putting the metropolitan area at the top nationally in a growing backlog that includes deportation proceedings, asylum petitions and requests for status adjustments from immigrants hoping to stay in the country, newly released data show.

Nassau and Suffolk counties, combined, put up the highest suburban numbers in the top 10: Suffolk, with more than 13,000 pending cases, ranks fifth among counties nationwide, and Nassau ranks ninth with 10,000-plus.

The findings are part of a report issued last week by the Transactional Records Access Clearinghouse at Syracuse University, or TRAC, a research organization that gathers and publishes federal government data.

## Counties with biggest immigration court caseload

<https://projects.newsday.com/databases/long-island/counties-immigration-court/>

Two counties within New York City rank higher than Nassau and Suffolk in the immigration courts' bottleneck. Queens County has more than 27,600 pending cases, putting it third nationally. Brooklyn — which is Kings County — ranks fourth, with nearly 16,000.

The city's other boroughs also make the top 100 counties for immigration-court delays. The Bronx ranks 16th, with more than 7,500 pending cases; Manhattan, or New York County, is 37th with more than 3,500 cases; and Staten Island, or Richmond County, is 97th with more than 1,400 cases.

The top immigration-court logjams in the nation are in Los Angeles County in California, with more than 44,600 cases, and Harris County, Texas — the county seat of Houston — with 39,000-plus immigrants awaiting resolutions.

The crowded dockets result from multiple factors, including a continuation of migration patterns and aggressive enforcement policies, immigration experts and researchers said.

"There is no single explanation," said Susan B. Long, TRAC's co-director. "These are people before immigration court. These are considered deportation cases, but they could very well be seeking asylum and various forms of relief" to stay in the country legally.

TRAC first obtained the data in May. From then through December, the last month for which information was available, the combined backlog for Nassau and Suffolk counties has grown about 6 percent, compared with an 11 percent increase nationally.

President Donald Trump has made a crackdown on illegal immigration one of his top issues, as it was when he was on the campaign trail.

After heated debate and an acrimonious government shutdown spurred largely by immigration issues, the administration is expected Monday to send Congress a framework for reform that would grant legal status to young immigrants slated to lose their protection from deportation. The measures also would restrict some visa programs and add money for a border wall and more immigration enforcement officers.

Enforcement efforts — which since Trump took office a year ago have expanded from focusing on priorities, such as people who have committed crimes, to pursuing any immigrants in the country illegally — are adding to the pending caseload, immigration experts and researchers said.

Over the years, judges have complained about the executive branch taking away their independence to manage cases, and about lack of sufficient staffing and waves of political mandates that contribute to inefficiency.

“The immigration judges feel like we’ve been the canaries in the coal mines, saying that the immigration courts would be overwhelmed with caseloads and backlogs for more than a decade,” said Dana Leigh Marks, an immigration judge in San Francisco who is a spokeswoman for the National Association of Immigration Judges.

Delays have been building for more than a decade, said Marks, a judge for more than 30 years, as presidents have shifted priorities. For instance, in his second term, President Barack Obama asked to expedite the cases involving Central American minors as that population surged after 2014, but that action sent other cases that could have been closed down in the shuffle.

Under Trump, the Department of Justice reassigned judges from their home courts to border areas while ending the practice of administratively closing cases of immigrants who were not a deportation priority. As a result, more end up back before a judge, fighting deportation.

There aren’t enough judges, and the courts are not independent to set their own priorities and calendars more efficiently and separate from the Justice Department, the judges’ group contends.

“We have no control over the number of cases that come in . . . and we are not given enough funding to keep up with that pace,” Marks said.

The Justice Department and U.S. Immigration and Customs Enforcement, which conducts immigration arrests, did not respond to requests for comment.

Earlier this month, Attorney General Jeff Sessions signaled that reducing backlogs is a priority, saying that James McHenry, his appointee to the Executive Office of Immigration Review, has been working to restore the agency’s “commitment to the timely and efficient adjudication of immigration cases.”

Delays can be a double-edged sword: Immigrants facing imminent deportation can find themselves with more time. But applicants desperate for asylum and other programs can find themselves in limbo for years.

Christopher Worth, an immigration lawyer based in East Quogue, said he keeps a five-year calendar to track the stream of cases of unaccompanied minors, family petitions and asylum requests, largely of immigrants from Central America.

“These cases go on for a long, long time,” Worth said. The wait times can work for those immigrants, he said, because “sometimes you want more time to seek forms of relief,

and it takes time to gather documents and to gather evidence or for visas to become available.”

For those under threat of deportation, however, the delays can represent a form of justice denied.

“I have had a lot of clients where waiting for a decision on a case is extremely stressful, particularly clients that have escaped really horrific trauma in their home countries and they are waiting to hear whether they are going to be sent back,” said Emily Torstveit Ngara, director of the Deportation Defense Clinic at Hofstra Law School. “Each case is different, but I think on balance waiting that long for cases ends up being more challenging” for those affected.

Backlogs also mean that some immigrants are held in detention for months, waiting to see a judge, she said.

No one seems to think that the delays are a good thing, but solutions don’t come easy as the immigration debate continues.

“The immigration judges, they work really hard, they are under time pressure and a lot of these people have complicated cases,” said Guy Menahem, an immigration lawyer who works on deportation defense and asylum cases with the Lightman Law Firm in Manhattan. “You can imagine the person telling their life story, and the judge has to do a number of cases per day and make a fair decision with the constraints put in front of them.”



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## Counties with most immigration cases

<https://projects.newsday.com/databases/long-island/counties-immigration-court/>

**Long Island's two counties are among the top 10 in the nation for pending cases before the Immigration Court.**

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Suffolk County is fifth and Nassau County is ninth among all counties in the nation for pending cases before the Immigration Court, with 23,178 cases as of Dec. 31, 2017, according to records compiled by the Transactional Records Access Clearinghouse at Syracuse University. Nationwide there were 667,839 cases pending at the end of December. You can [read more here](#).

California had 19 of the top 100 counties, and New York, New Jersey and Texas each had 10 counties in the top 100 nationally. While the national backlog grew by 11 percent between May and December of last year, the caseloads in Nassau and Suffolk each grew by 6 percent during that period.

Smaller breakdowns for counties in New York City were not available. Number of cases not adjusted for overall population differences. Click on map for details or find locations in the table below. [The Transactional Records Access Clearinghouse](#) is a nonpartisan, nonprofit data research center affiliated with the Newhouse School of Public Communications and the Whitman School of Management at Syracuse University.

to view data charts, go to <https://projects.newsday.com/databases/long-island/counties-immigration-court/>

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